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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EVELYN CONERLY, an individual,

Plaintiff,

Vs.

LIBERTY MUTUAL INSURANCE
COMPANY, (AKA LM GENERAL
INSURANCE COMPANY; AKA SAFECO
INSURANCE COMPANY); DOES 1 through
X and ROE CORPORATIONS I through X,
inclusive

Defendants.

Case No.: 2:23-cv-00515-GMN-EJY

**JOINT DISCOVERY PLAN AND
SCHEDULING ORDER PURSUANT TO
FED. R. CIV. P. 26(f) AND LOCAL RULE
26-1(b)**

EVELYN CONERLY (“Plaintiff”), and LIBERTY MUTUAL INSURANCE COMPANY
(AKA LM GENERAL INSURANCE COMPANY; AKA SAFECO INSURANCE COMPANY,
 (“Defendant”), hereby submit their Joint Discovery Plan and Scheduling Order Pursuant to Fed.
R. Civ. P. 26(f) and Local Rule 26-1(b). Deadlines that fall on a Saturday, Sunday or legal holiday
have been scheduled for the next judicial day.

LR 26-1(a), Fed. R. Civ. P. 26(f) Meeting: Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1(a), a
meeting was held on **June 2, 2023**, and was attended telephonically by Chenelle Jackson Esq., of
the McCormick, Barstow, Sheppard, Wayte & Carruth LLP, attorney for Defendant and by Laura
Payne, Esq. of TheOneLawyer.com, attorney for Plaintiff.

LR 26-1(b)(1) Discovery Cut-Off Date: The first filing of any Answer by Defendant occurred on April 7, 2023 with the Notice of Removal. The proposed last day of discovery shall be **Wednesday, October 4, 2023**, which is calculated as **180** days from the date of the first Defendant's appearance.

LR 26-1(b)(2) Amending of Pleadings and Adding of Parties: The parties have until **Thursday, July 6, 2023**, to file any motions to amend the pleadings or to add parties. This is 90 days before the proposed discovery cut-off date.

LR 26-1(b)(3), Fed. R. Civ. P. 26(a)(2) Disclosures (Experts): Disclosure of experts shall proceed as follows: Plaintiff and Defendants shall disclose their experts to each other at least sixty (60) days before the discovery cut-off date, by **Friday, August 4, 2023**. Plaintiff and Defendants shall disclose their rebuttal experts at least thirty (30) days after the initial date for disclosure of experts, by **Monday, September 4, 2023**.

Further, each party agrees to make their experts available for deposition, and facilitate the same, prior to discovery cut-off.

LR 26-1(b)(4) Dispositive Motions: The parties shall have until **Friday, November 3, 2023**, to file dispositive motions. This does not exceed the outside limit of thirty (30) days following the discovery cut-off that LR 26-1(b)(4) presumptively sets for filing dispositive motions.

LR 26-1(b)(5) Pre-Trial Order: The pre-trial order shall be filed by **Monday, December 4, 2023**, which is 30 days after the date set for filing dispositive motions pursuant to LR 26-1(b)(5). This date is suspended if the dispositive motions are timely filed. In such a case, the pretrial order shall be filed thirty (30) days after the Court files an Order on any dispositive motions. The disclosures required by FRCP 26(a)(3) shall be made in the joint pretrial order.

1 **LR 26-1(b)(6), Fed. R. Civ. P. 26(a)(3) Disclosures**: The disclosures required by Fed. R.
 2 Civ. P. 26(a)(3) and any objections to them shall be included in the joint pre-trial order.

3 **LR 26-1(b)(7) Alternative Dispute Resolution and Settlement**: The parties certify that
 4 they met and conferred about the possibility of using alternative dispute-resolution processes,
 5 including mediation, arbitration, and if applicable, an early neutral evaluation; the parties agree
 6 that discovery is needed prior to any substantial efforts of alternative dispute resolution.
 7

8 **LR 26-1(b)(8) Alternative Forms of Case Disposition**: The parties certify that they
 9 considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73,
 10 and the use of the Short Trial Program (General Order 2013-01); the parties agree that none of the
 11 foregoing are appropriate for this case.
 12

13 **LR 26-1(b)(9) Electronic Evidence**: The parties certify that they discussed whether they
 14 intend to present evidence in electronic format to jurors for the purposes of jury deliberations.
 15 Although not known at this time which exhibits will be electronically presented, the parties shall
 16 provide discovery in an electronic format compatible with the Court's electronic jury evidence
 17 display system. The parties shall contact the courtroom administrator for instructions about how
 18 to prepare evidence in an electronic format and other requirements for the Court's electronic jury
 19 evidence system.
 20

21 **Other Discovery Matters**

22 **Fed. R. Civ. P. 26(a)(1) Pre-Discovery Disclosures**: Pursuant to Fed. R. Civ. P.
 23 26(a)(1)(C), the parties will make their pre-discovery disclosures, including any and all
 24 information required by Fed. R. Civ. P. 26(a)(1) on or before **June 22, 2023**, which is 14 days
 25 from the date of the Fed. R. Civ. P. 26(f) conference.
 26
 27
 28

1 **Subjects of Discovery:** Discovery will be needed on the following subjects: Discovery
2 will be needed on all of the claims and defenses in this matter and all matters within the scope of
3 Rule 26 of the Federal Rules of Civil Procedure.

4 **Interrogatories and Depositions:** The customary total number of interrogatories of 25 per
5 party; the parties may agree to more interrogatories by mutual agreement or application to the
6 Court. No more than ten (10) depositions by Plaintiff and no more than ten (10) depositions by
7 Defendants as provided in Fed. R. Civ. P. 30(a)(2)(A)(i). However, the parties may agree to more
8 depositions by mutual agreement or application to the Court.
9

10 **Settlement:** The parties shall confer prior to expert depositions to discuss settlement
11 options regarding any and all parties, including new parties.
12

13 **Court Conferences:** Plaintiff does not request a conference with the Court before entry
14 of the scheduling order.

15 **Later Appearing Parties:** A copy of this discovery plan and scheduling order shall be
16 served on any person served after it is entered, or, if additional defendants should appear, within
17 five (5) days of their first appearance. This discovery plan and scheduling order shall apply to such
18 later-appearing parties, unless the Court, on motion and for good cause shown, orders otherwise.
19

20 **Extension or Modification of the Discovery Plan and Scheduling Order:** LR 26-31
21 governs modifications or extension of this discovery plan and scheduling order. Any stipulation
22 or motion must be made not later than twenty-one (21) days before the subject deadline and comply
23 fully with LR 26-3.
24

25 **Format of Discovery:** Pursuant to the electronic discovery amendments to the Federal
26 Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-discovery issues
27 pertaining to the format of discovery at Fed. R. Civ. P. 26(f) conference.
28

The parties do not anticipate discovery of native files or metadata at this time, but each party reserves the right to make a showing for the need of such electronic data as discovery progresses.

Activity	Date
Amend Pleadings	Thursday, July 6, 2023
Expert Disclosures	Friday, August 4, 2023
Rebuttal Expert Disclosures	Monday, September 4, 2023
Discovery Cut-Off Date	Wednesday, October 4, 2023
Dispositive Motions	Friday, November 3, 2023
Pretrial Order	Monday, December 4, 2023

DATED this June 14, 2023

/s/Laura Payne

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/s/ Chenelle Jackson

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 Attorney for Defendants

IT IS SO ORDERED

DATED: June 14, 2023


 UNITED STATES MAGISTRATE JUDGE